

**UNITED STATES COURT FOR THE DISTRICT OF PUERTO RICO
BEFORE HONORABLE DANIEL R. DOMINGUEZ**

MINUTES OF PROCEEDINGS

DATE: February 9, 2005

CIVIL NO. 98-1306 (DRD)

LAW CLERK: José A. Figueroa

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GRAHAM-FIELD, INC., et al.
Plaintiffs,

Attorneys: Kenneth McCulloch

v.

TUFFCARE, INC.
Defendants.

Ignacio Fernández de Lahongrais

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A Pretrial Conference was held today. It began at 6:45 p.m. and ended at 7:45 p.m. The parties advised as to the status of their case. At the outset the Court notes that the parties have failed to submit a joint Pretrial Order as required by the Rules although it is noted that Defendant filed its Pretrial Order. Counsel for plaintiff asserts that he shall file its memorandum shortly. The Court instructs the parties to meet and to submit a Pretrial Order pursuant to Local Civil Rule 16(d).

The parties are advised that this is an overaged case and that it will not be reported by the Court on March 31, 2005, therefore the trial shall be scheduled to commence before said date. The parties discussed the facts of their case and their related theories and the applicable points of law. The Court advises plaintiff that it may be easier to prevail in its local Law 75 claim than attempting to prevail in the antitrust, Robinson-Patman claim. The defendant discussed its grounds for requesting the dismissal of plaintiffs' Second Amended Complaint. The Court notes that if the individual Chang defendants have not been served process they are not a party to the amended complaint. The parties sustains that there are several issues that need to be reconsidered by the Court as to the playing field. The Court instructed the parties to submit said issues in the joint Pretrial Order for its consideration. Finally, the defendants sustain that it requested Jury Trial and plaintiff has no objection to hold a Trial by Jury.

Therefore, the Court hereby **ORDERS** the parties to submit the Joint Pretrial Order on or before **February 25, 2005**. The Final Pretrial Conference is set for the **28th day of February 2005 at 5:00p.m.** Jury selection process is scheduled to held on **March 10, 2005**, and **Jury Trial** will commence on **March 21, 2005 at 9:00 a.m.** **The parties are advised that the Court does not provide interpreter services hence the parties shall provide a certified court interpreter at their own cost.**

Finally, the Court reminds the parties that the instant case was once close to a settlement agreement. The Court deems that at this date a settlement agreement is more convenient to the parties that going to trial and incurring further litigation expenses. At this time, the plaintiffs have agreed to settle the instant case for the amount of \$75,000, an amount deemed by the Court as an extreme reasonable agreement. The Court notes that said amount was originally accepted by the defendants. The defendant is encouraged to provide its best efforts and settle the case in its entirety. The Court has offered to lift the previously imposed monetary sanctions on the defendant if the settlement is reached in order to aid the settlement. The parties shall inform the Court on or before the **11th day of February 2005 at 5:00 p.m.** whether a settlement agreement was reached.

IT IS SO ORDERED.

**S/DANIEL R. DOMINGUEZ
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE**